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**REMARKS**

Claims 1-33 are currently pending in the subject application and are presently under consideration. Claims 1, 18, 27, 28, 31 and 33 have been amended. Claims 2, 19 and 30 have been canceled. A version of these claims is on pages 2-7 of this Reply.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

**I. Rejection of Claims 1-17, 27-33 Under 35 U.S.C. §101**

Claims 1-17, 27-33 stand rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. Claims 1, 27-28, 31 and 33 have been amended to more fully define the statutory subject matter of the subject claims. These changes further define that the system is directed to a practical application involving patentable subject matter. Claims 1, 27, 28, 31 and 33, as presently amended, now recite a computer implemented system comprising computer executable components facilitating a security connection between entities. Thus, claims 1, 27, 28, 31 and 33 are not drafted only in terms of "mathematical steps operating on abstract data and producing abstract data." The claimed system requires the creation of data that will be used in a process representing a practical application, i.e., processing credentials to facilitate a security connection between entities and thus, claims 1, 27, 28, 31 and 33 represent patentable subject matter. In light of the present amendments, this rejection is moot and should be withdrawn.

**II. Rejection of Claims 1, 3, 4, 17, 18, 23, 27-30, 33 Under 35 U.S.C. §102(b)**

Claims 1, 3, 4, 17, 18, 23, 27-30, 33 stand rejected under 35 U.S.C. §102(b) as being anticipated by Lee *et al.* ("A secure electronic software distribution (ESD) protocol based on PKC" by Lee *et al.*, EC-Web 2000, LNCS 1875, pp. 63-71, 2000). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Lee *et al.* does not anticipate each and every element as set forth in the subject claims.

A single prior art reference anticipates a patent claim only if it expressly or inherently describes each and every limitation set forth in the patent claim. *Trintec Industries, Inc. v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 USPQ2d 1597 (Fed. Cir. 2002); *See*

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*Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the ... claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

The claimed invention relates to a system and methodology to facilitate secure network communications between remote network entities or parties to a transaction. This is achieved by providing a strong set of security credentials between a master entity such as a service and a remote entity such as a partner. In conjunction with the strong set of security credentials, a protocol is provided that acts as a package, wrapper or container to house the security credentials before delivery from the service to the partner to facilitate secure communications between the parties.

More particularly, independent claim 1 (and similarly independent claim 28) recites a computer implemented system for processing credentials, comprising *a wrapper that packages credentials associated with resources of a service; and a pass-phrase employed in connection with generation of the wrapper, the pass-phrase employed to facilitate access to the credentials, the credentials employed to facilitate access to the resources of the service, and the pass-phrase distributed separately from the credentials*. *Lee et al.* does not expressly or inherently disclose the aforementioned novel aspects of applicants' invention as recited in the subject claims.

*Lee et al.* discloses a secure electronic software distribution (ESD) protocol based on public key cryptography (PKC). When a customer completes a software purchase, a merchant server sends an electronic license to the customer via email. When a customer executes an installation program, the program first connects to the authentication agent using a loopback address and predefined port. The authentication agent decrypts using the merchant server's public key and sends the message to the installation program. The installation program then extracts the message, authenticates it and generates a timestamp. (*See* pages 67-68).

At Page 13 of the Office Action (dated September 16, 2005), the Examiner acknowledges that *Lee et al.* fails to disclose that the pass-phrase is distributed separately from the credentials. Claims 1 and 28 have been amended to incorporate the pass-phrase being distributed separately from the credentials. In light of the present amendments, this rejection is moot and should be withdrawn.

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Independent claim 18 (and similarly independent claims 27 and 33) recites a method and system of facilitating a security connection between entities, comprising, *generating a strong password; generating a pass-phrase; wrapping the password cryptographically via the pass-phrase; storing the wrapped password in an executable; and transmitting the executable and the pass-phrase to a system via different communications mediums.*

At Page 13 of the Office Action (dated September 16, 2005), the Examiner acknowledges that Lee *et al.* fails to disclose that the executable and the pass-phrase are transmitted to a system via different communications mediums. Claim 18 has been amended to incorporate the step of transmitting the executable and the pass-phrase to a system via different communications mediums. Independent claims 27 and 33 recite similar limitations with respect to *the transmission of the executable and the pass-phrase to a system via different communications mediums.* The rejection of these claims should be withdrawn.

In view of at least the above, it is readily apparent that Lee *et al.* fails to expressly or inherently disclose applicants' claimed invention as recited in independent claims 1, 18, 27, 28 and 33 (and claims 3-4, 17, 23 and 29-30 which respectively depend there from). Accordingly, it is respectfully requested that these claims be deemed allowable.

### **III. Rejection of Claims 2, 5-11, 19, 20 and 26 Under 35 U.S.C. §103(a)**

Claims 2, 5-11, 19, 20 and 26 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Lee *et al.* in view of Ramakrishnan ("Java based E-commerce middleware" by Sub Ramakrishnan, 2001 IEEE). It is respectfully submitted that this rejection should be withdrawn for the following reasons. Lee *et al.* and Ramakrishnan, individually or in combination, do not teach or suggest each and every element set forth in the subject claims.

To reject claims in an application under §103, an examiner must show an un rebutted *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See MPEP §706.02(j). The teaching or suggestion to make the claimed combination and the reasonable

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expectation of success must both be found in the prior art and not based on applicants' disclosure. *See In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

As stated above, applicants' claimed invention relates to a system and methodology to facilitate secure network communications between remote network entities or parties to a transaction. More particularly, independent claims 1 and 18 recite similar limitations, namely: a system and method for facilitating a security connection between entities, comprising *a wrapper that packages credentials associated with resources of a service; and a pass-phrase employed in connection with generation of the wrapper, the pass-phrase employed to facilitate access to the credentials, the credentials employed to facilitate access to the resources of the service, and the pass-phrase distributed separately from the credentials.* Lee *et al.* and Ramakrishnan, individually or in combination, fail to teach or suggest such aspects of the claimed invention.

Lee *et al.* relates to a secure electronic software distribution (ESD) protocol based on public key cryptography (PKC). When a customer completes a software purchase, a merchant server sends an electronic license to the customer via email. When a customer executes an installation program, the program first connects to the authentication agent using a loopback address and predefined port. The authentication agent decrypts using the merchant server's public key and sends the message to the installation program. The installation program then extracts the message, authenticates it and generates a timestamp. (See pages 67-68). At Page 13 of the Office Action (dated September 16, 2005), the Examiner acknowledges that Lee *et al.* fails to disclose that the pass-phrase is distributed separately from the credentials, as disclosed in the subject claims.

Ramakrishnan does not make up for the aforementioned deficiencies of Lee *et al.* with respect to independent claims 1 and 18 (which claims 5-11, 20 and 26 respectively depend there from). Ramakrishnan relates to the development of a secure middleware application in Java that connects the web hosting database with the corporate backend database. A secure, client-server application is developed to link the two databases: the java client at the web hosting end securely transfers orders from the local database, to the corporate database via the server at the corporate enterprise. The client and server communication is over a socket, which is protected for privacy. The socket connection stays open as long as there are active orders, and is disconnected during long periods of no activity. (See pages 1-2).

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As stated above, teachings of references can be combined *only* if there is some suggestion or incentive to do so. Here, neither the nature of the problem to be solved, the teachings in the cited art, nor the knowledge of persons of ordinary skill provide sufficient suggestion or motivation to combine the references. Instead, the Office Action relies on improper hindsight in reaching his obviousness determination. Lee *et al.* and Ramakrishnan cannot be combined to make the claimed invention obvious because there is not proper suggestion or motivation to combine the references' teachings to create the subject matter recited in independent claims 1 and 18. Lee *et al.* is directed to a secure ESD protocol; while Ramakrishnan is directed to a Java based E-commerce middleware. Accordingly, neither Lee *et al.* nor Ramakrishnan provide any motivation to modify the secure protocol of Lee *et al.* as suggested in the present Office Action. Thus, the contention that separately distributing the pass-phrase from the credentials would have been obvious in view of the teachings of Lee *et al.* and Ramakrishnan constitutes nothing more than hindsight speculation.

Moreover, the combination of Lee *et al.* and Ramakrishnan does not teach the claimed invention. Specifically, utilizing a typed-in pass-phrase in an encryption algorithm does not read on the presently claimed system for facilitating a security connection between entities comprising a wrapper that packages credentials and *a pass-phrase which is distributed separately from the wrapper* to facilitate access to the wrapper. Accordingly, the combination of Lee *et al.* and Ramakrishnan, i.e., the addition of a pass-phrase which is typed-in, does not render the presently claimed invention obvious.

In view of the aforementioned deficiencies of Lee *et al.* and Ramakrishnan, and because the requisite teaching or suggestion to combine the elements in the manner suggested is absent from the cited references, it is respectfully submitted that this rejection be withdrawn with respect to independent claims 1 and 18 (which claims 5-11, 20 and 26 depend respectively there from).

Claims 2 and 19 have been canceled - as such the rejection is moot with respect to claims 2 and 19.

#### **IV. Rejection of Claims 13-16, 21, 22, 31 and 32 Under 35 U.S.C. §103(a)**

Claims 13-16, 21, 22, 31 and 32 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Lee *et al.* in view of Brainard ("SecurSight: An overview for secure

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information access” by John G. Brainard, RSA Laboratories). It is respectfully submitted that this rejection should be withdrawn for the following reasons. *Lee et al.* and Brainard, individually or in combination, do not teach or suggest each and every element set forth in the subject claims. In particular, Brainard does not make up for the aforementioned deficiencies of *Lee et al.* with respect to independent claims 1, 18 and 31 (which claims 13-16, 21, 22 and 32 depend from). Thus, the subject invention as recited in claims 13-16, 21, 22, 31 and 32 is not obvious over the combination of *Lee et al.* and Brainard, and withdrawal of this rejection is requested.

**V. Rejection of Claims 24 and 25 Under 35 U.S.C. §103(a)**

Claims 24 and 25 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Lee et al.* in view of *Chatani et al.* (U.S. 2002/0104019). It is respectfully submitted that this rejection should be withdrawn for the following reasons. *Lee et al.* and *Chatani et al.*, individually or in combination, do not teach or suggest each and every element set forth in the subject claims. In particular, *Chatani et al.* does not make up for the aforementioned deficiencies of *Lee et al.* with respect to independent claim 18 (which claims 24 and 25 depend from). Thus, the subject invention as recited in claims 24 and 25 is not obvious over the combination of *Lee et al.* and *Chatani et al.*, and withdrawal of this rejection is requested.

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CONCLUSION

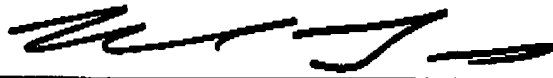
The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP319US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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